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Office of Chief Counsel
November 12, 2026
Part of
Public Record

BEFORE THE SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.
DOCKET NO. FD 36873
UNION PACIFIC RAILROAD COMPANY — MERGER — NORFOLK SOUTHERN RAILROAD

PUBLIC COMMENT OF RUTH L. TINES CONCERNING THE SWARS VIDEO UNSEALING, EXECUTIVE CULTURE, AND STAKEHOLDER PARTICIPATION INTEGRITY

I submit this comment to the Surface Transportation Board not out of self-preservation, bitterness, or a desire for revenge, nor do I expect any personal outcome, financial compensation, or workplace remedy from this filing. I know firsthand that this Board is not an employment court. My sole purpose in coming forward is to ensure this Board looks squarely at the true, unedited nature of the corporate entity asking for permission to control nearly half of the freight railroad infrastructure in the United States of America. That is a staggering amount of power to hand to a leadership structure that has demonstrated not an ounce of humility—and to a corporate entity that holds the unprecedented, disgraceful distinction of being the only railroad in American history—not just among Class I carriers, but across the entire rail industry—to be formally designated by federal authorities like OSHA as a "serial violator" of whistleblower protection laws. That is not an honor any corporation should take pride in, nor is it a record that any responsible regulatory body can ignore.

The urgency of this look is underscored by the Board's own critical Decision No. 45, issued on November 4, 2026. In that decision, the Board took the vital step of denying Union Pacific's untimely appeal, stripping the "confidential" shield from CEO Jim Vena's SWARS keynote address, and ordering the immediate public release of that video footage. By ruling that statements made on a public stage to 900 industry stakeholders are public property and cannot be hidden behind a protective order, the Board has properly checked a leadership structure that acts as if it is above the rules. Furthermore, the Board's explicit statement that it has "serious concerns" regarding how executive threats of commercial reprisal influence and deter stakeholder participation validates the exact reality everyday railroad workers experience on the ground: a corporate culture that relies on psychological control and intimidation to silence the truth.

This is not a matter of routine civil litigation. The initial wrongful termination occurred on March 15, 2024, involving an engineer who reported an injury and sought medical care, which triggered a major federal enforcement action. Following a persistent pattern of safety retaliation against an engineer, OSHA formally branded Union Pacific a "serial violator" in public findings issued on August 6, 2025, citing an embedded culture of hostility toward injury reporting. This public record of unlawful retaliation expanded into subsequent federal enforcement actions in 2026. On March 6, 2026, OSHA issued a finding and order regarding a switchman/conductor in San Antonio who reported a work-related injury and sought medical treatment, resulting in full reinstatement and over $315,000 in make-whole relief. Furthermore, on June 10, 2026 (announced publicly in October 2026), OSHA issued an order regarding a North Little Rock yardman who raised lightning and storm safety concerns, called a safety stand-down, and was wrongfully terminated, resulting in over $304,869 in damages. The ongoing October 2026 federal enforcement orders uphold these rigorous findings. Earning and sustaining the designation of a serial violator across consecutive years speaks volumes about the true character and operational integrity of this executive leadership.

I grew up with the railroad. I started out on the Chicago & North Western (C&NW) as a 21-year-old single parent raising a sickly child. There were times back then when I had to take off or call in late or leave early for hospital visits to care for my child. But after Union Pacific acquired C&NW, I built and maintained an unblemished, clean disciplinary record for over three decades—working under dozens of different superintendents, directors, managers, supervisors, and Yardmasters across facilities in both Chicago and St. Louis.

Throughout my career, I served across multiple operational crafts—working as a Lineup Clerk, Customer Service Representative, Train Reporter, Gate Inspector, Dispatcher, and Supply Department Material Handler. Management likes to hide behind the canned excuse that senior workers "just can't adapt to change," but my track record refutes that lie. I have adapted to constant supervisor turn-overs and vastly different working conditions—from putting on a jumpsuit and steel-toed boots to get down and dirty outside in the rain, sleet, snow, and extreme heat, to coming into the office with my heels on to work behind a desk. Adaptability was never the problem.

The breakdown occurred when I transferred into the Supply Department and experienced blatant managerial hypocrisy: it felt as if I had entered an entirely different railroad—leadership expecting employees to strictly follow every rule while management refused to follow rules themselves. In this life, everyone has rules to follow—from front-line workers to corporate executives, up to the President of the United States. Railroad workers pay union dues for decades to maintain established collective bargaining agreements and safety mandates. Yet, new department leadership treated collective bargaining agreements as optional guidelines. When an employee speaks up to remind management of governing rules, management weaponizes GCOR Rule 1.6 to silence them—effectively attempting to strip away collective bargaining rights through intimidation.

If an employee offers constructive correction based on governing rules, leadership instantly brands them as insubordinate or quarrelsome.

I do not claim to be entirely without fear. Like anyone else, I experience fear when facing management retaliation. But I choose to speak up anyway because I know that greater is He that is in me than he that is in the world (1 John 4:4). God is with me, and if I am speaking the truth, then I have nothing to fear. If employees remain silent out of fear, management will continue erasing union rules, undermining collective bargaining rights, and eliminating protected union positions piece by piece until nothing is left.

Throughout my career, we had good days and bad days, but the good always outweighed the bad because we operated as a true team. From top executives down to janitors, we were one body with different parts working toward the exact same purpose, operating with genuine mutual respect to continue to assist in making Union Pacific Railroad the premier Class I freight railroad they are today. Yes, railroading offers good money and good benefits, but when you come to work every single day—putting in eight or more hours a day, week after week—you should be able to come to work comfortable and proud. Work should never feel like bondage, and no human being should have to earn a living under that kind of fear.

I. THE FALLACY OF NATIONAL "NECESSITY" AND THE PUBLIC INTEREST STANDARD

Now, corporate executives want to take even that basic comfort away from the future generation of railroad employees. And for what real reason? Really, for what reason? This mega-merger is simply not needed in America. I implore the Board to deny this unnecessary merger. It is not going to improve employment, it is not going to improve logistics or drayage, and it is not going to improve service for the customers and shippers who depend on the rail network. It is being pushed purely to satisfy executive vanity, build a personal corporate legacy, and allow leaders to brag "look what we did," completely disregarding the severe, irreversible human cost imposed on working families, truck drivers, and urban neighborhoods. When examined under the statutory public interest standard set forth in 49 U.S.C. § 11324 and 49 CFR § 1180.1, the merger fails to meet the public interest standard across three critical pillars:

This false safety narrative was formally exposed in April 2024 when the Federal Railroad Administration (FRA) initiated a nationwide Safety Culture Assessment of Union Pacific. Just two weeks into the assessment, the FRA was forced to take the unprecedented step of halting the audit entirely after discovering that Union Pacific had systematically coached employees across 23 states to provide specific, scripted answers to federal inspectors and ordered workers to report their inspector interactions directly to supervisors. This audit interference prompted a formal U.S. Senate Commerce Committee investigation led by Senator Maria Cantwell on July 25, 2024, questioning how a carrier with the highest derailment rate among Class I railroads—30 percent higher than its nearest peer—could claim a safe corporate culture while actively corrupting federal safety audits and suppressing honest reporting.

1. **Severe Labor Impact:** The operational realities of merging these giant carriers threaten total workforce disruption—manifested through systematic post-merger job abolishments, destructive seniority roster dovetailing, craft destruction, forced relocations, and managerial weaponization of GCOR Rule 1.6 to intimidate employees who insist on adherence to safety and collective bargaining agreements. This severe human and economic devastation extends directly to independent truck drivers and drayage operators. Stripping millions of long-haul truck loads off interstate highways directly takes food, groceries, clothes, and utility payments out of working-class family households—destroying small businesses built by drivers, including those with past records who worked tirelessly to turn their lives around and establish independent trucking businesses.
2. **Monopolistic Market Dominance & Single-Point-of-Failure Risks:** Consolidating nearly half of the nation's rail network creates unprecedented market dominance, transforming competitive shipping corridors into captive traps and imposing massive economic costs on shippers. Moreover, placing such massive national infrastructure under a single corporate umbrella creates a catastrophic single point of failure, where a localized dispatching or operational breakdown could paralyze national supply chains and jeopardize national security.

I am speaking today as a voice for my brothers and sisters across every single railroad craft. When I look at my fellow workers on the property, I see myself. And when I look at the younger ones starting their careers, I see my own children. It is a tragedy that their lives, livelihoods, and families have to be tied up in knots for something that is completely unnecessary.

Many of my fellow workers—especially those currently working on the property—are simply too terrified to come forward out of self-preservation. Corporate executives like to publish glossy PR policies claiming "retaliation will not be tolerated" and promising "Jobs for Life" for any union worker still actively working at the time the merger agreement is signed. But the reality on the ground is simple: nobody wants to endure the nightmare of workplace retaliation, so people stay quiet.

I was raised on a basic rule: you can always speak up, as long as you do it in a respectful manner. Now, some people might misinterpret speaking up as being argumentative—as if I have to complain about every single thing. But I was also taught through the Bible to choose your battles (Ecclesiastes 3:1-8). Throughout my career, there were plenty of minor issues and daily friction that I let slide. The proof of my character is written directly in my official employment record: I maintained a completely clean record for over 30 years until I entered a department where management refused to abide by the rules. It was as if I stepped onto an entirely different railroad —a toxic environment completely unrecognizable from the proud institution I dedicated my life to building.

Union Pacific continues to report substantial financial profits, but those revenues are not generated by corporate press releases; they are earned through the sweat and sacrifice of front-line employees across crafts who get their hands dirty, put in grueling physical hours, and go home exhausted every day ensuring trains are repaired, inspected, and dispatched safely and on time. Peace of mind is a sacred gift, but one cannot remain silent when something this important is at stake and while watching colleagues suffer harm that federal regulators have the statutory authority to prevent. Standing up to protect the next generation is a moral imperative.

II. OPERATIONAL PATTERN OF INTIMIDATION AND PRETEXTUAL DISCIPLINE

To protect my fellow union brothers and sisters who are still working on the property, I am intentionally refraining from detailing specific individual anecdotes or named employee incidents in this public document. Management knows exactly what tactics they executed behind closed doors, and providing specific job numbers, dates, or shift changes would make it all too easy for corporate HR to track down and target those individuals for further harassment and retaliation.

However, the operational pattern across facilities remains indisputable: management regularly utilizes job bulletin manipulation—such as arbitrarily abolishing preferred schedules and creating operational anomalies—as a punitive weapon to disrupt work-life balance and push out experienced employees.

Furthermore, middle management actively coordinates to manufacture paper trails against workers who exercise their basic rights. Whether an employee is on an approved medical leave of absence or simply seeking adherence to governing collective bargaining agreements and safety rules, management weaponizes administrative tools—from digital access lockouts to broad catch-all charges under GCOR Rule 1.6—to brand legitimate rule compliance as "insubordination." These tactics are deliberately deployed to break worker integrity, force high-tenure employees onto severe probations, and clear senior labor liabilities off the balance sheet.

III. EXECUTIVE POSTURE, OBJECTIVE REVIEW OF SWARS FOOTAGE, AND CUSTOMER IMPACT

Corporate leadership attempts to minimize legitimate workforce and customer concerns as mere "noise," but life teaches a simple lesson: if you did nothing wrong, if everything was innocent, and if there was truly "no harm, no foul," you have nothing to hide. Normally, when an entity fights tooth and nail to keep records sealed under confidentiality shields, it is because there IS harm, and there IS foul.

As set forth in detail in my formal May 5, 2026 STB filing, and as subsequently verified by the Board's Decision No. 28 and the resulting unsealed July 27 employee-impact data, corporate executives publicly promote a "Jobs for Life" promise for any union worker still actively working at the time the merger agreement is signed to project stability during regulatory review. Yet, Union Pacific fought aggressively to keep multiple critical filings hidden from the public and shippers until forced to disclose them by Board orders. These hidden filings included:

3. **Employment Impact Data:** The July 27 unsealed filings exposing post-merger job eliminations and mechanical shop consolidations. While executive PR promises "Jobs for Life," the actual unsealed filings rely on standard statutory New York Dock labor conditions—which only offer capped 6-year wage protections, not lifetime job security.
4. **SWARS Conference Video:** The video footage containing CEO Jim Vena's rate threats to freight shippers.
5. **Internal Modeling and Traffic Data:** The source material, underlying traffic diversion models, and internal operational data that the Board and public required to evaluate market dominance.

Union Pacific fought aggressively to keep the SWARS conference video hidden under a "confidential" shield, claiming after the fact that CEO Jim Vena's rate threats were merely a joke. I did not watch that unsealed video seeking trouble or looking to react emotionally; I rewound that specific footage and watched it over four times, paying close attention to his demeanor, facial expressions, tone, and body language because I wanted to ensure my judgment was fair and completely objective. Watching the full footage reveals zero change in tone, demeanor, or facial expression, proving it was an intentional power move rather than a joke. There was no change in his posture, no chuckle, no smile, and no retraction before his cold exit ('Thank you very much'). It was not a joke; it was a deliberate power move unsealed by Board order that was designed to instill a lingering sense of dread in freight shippers and control them. You would not fight so hard to keep something hidden unless you knew the truth exposed the falsity of your public PR.

Consider the operational parallel of Keith Creel's comparison to making a false bomb threat at an airport. Under federal aviation security laws, security officers and law enforcement never accept "it was just a joke" as a valid defense. When a threat is uttered in a security-critical environment, passengers are left in fear, wondering what is real, while authorities must respond with full gravity to protect public safety. The exact same principle applies to national rail infrastructure and executive leadership. CEO Jim Vena stood on that SWARS stage with an unmoving, unsmiling demeanor and delivered explicit rate threats to freight shippers, exiting with a cold 'Thank you very much' without any immediate clarification or retraction. American freight shippers, supply-chain stakeholders, and U.S. Senators cannot afford to gamble their livelihoods, corporate investments, and business operations on the reckless claim of a "joke" when millions of dollars and national economic stability are on the line. Executive leaders who model such psychological control and reckless posture cannot be trusted with expanded monopolistic control over national rail infrastructure, and for these reasons, this merger must be firmly rejected.

This agitation and defensiveness extended directly to how executive leadership responded to industry peers. When CPKC CEO Keith Creel publicly highlighted network instability and operational risks, Vena reacted with visible agitation, resorting to underhanded and backhanded negative remarks about opposition railroads. When a leader or a company is truly confident in their service and asserts that a merger is "99.9% going through," they do not need to waste energy making backhanded comments about competitors—because a truly superior product speaks for itself. Vena's agitated reaction proved the exact opposite of true confidence.

True character is revealed when people believe no one is watching and assume their words will never come to light. Under the cover of a confidential shield behind closed doors, Vena felt comfortable being entirely himself. As Dr. Maya Angelou famously observed, "When someone shows you who they are, believe them the first time." The carrier fought tooth and nail to keep the video sealed not over standard PR concerns, but because it exposed the unfiltered truth—and as the saying goes, "the truth hurts."

It saddens my heart to see what the future holds if leadership continues down this path without correction or remorse.

CEO Jim Vena publicly remarked at the SWARS conference that "God has blessed us," yet out of the exact same mouth expressed open impatience regarding the regulatory process, stating on the record: "It takes them fricking months and way too long to make a decision. They need to speed up. Tell us whether we're right or tell us whether we're wrong." Scripture reminds us in 1 Samuel 15:22 that "to obey is better than sacrifice, and to heed is better than the fat of rams"—obedience is better than sacrifice, and corporate leaders are expected to follow the governing rules and statutory timelines just like everyone else. Furthermore, James 4:6 and 1 Peter 5:5 remind us that "God resists the proud, but gives grace to the humble" (Proverbs 3:34). True blessing requires humility and obedience to governing standards, not arrogance or dismissive hostility toward regulatory oversight. We all make mistakes and sometimes fall short or act disobediently, but when a leader is convicted and corrected, accepting correction demonstrates true wisdom (Proverbs 9:8-9, Proverbs 12:1) and a heart willing to do better. Throughout this entire proceeding, however, executive leadership has displayed only unyielding pride. I pray that corporate leadership eventually learns humility in a positive way through this process—learning that true leadership serves rather than intimidates—so that God can continue to bless them in every area of their lives, both inside and outside the corporation.

I know that feeling of dread firsthand because I experienced it on the ground. When middle management issued veiled threats like "Have you ever heard of karma?" and "I am not Jesus; I only have two cheeks to turn" after I reported bald forklift tires, it threw me off, destroyed my sleep, and created overwhelming anxiety. Management uses psychological manipulation so employees carry a constant fear of being targeted or fired, forcing them to come to work with no peace. Seeing CEO Vena's demeanor on that stage shined a direct light on why lower-level managers operate with such comfort: toxicity trickles down from the top. When executive leadership models psychological control, middle management mirrors that exact hostility toward workers behind closed doors.

IV. CHRONOLOGY OF EXECUTIVE CONTRADICTION

Executive leadership continues to project an image of unassailable accuracy, exemplified by CFO Jennifer Hamann's assertions that Union Pacific's positions are "rooted in facts and backed by data," implying that the carrier's factual presentation is correct while opposing accounts are flawed. However, this posture of data-backed rectitude stands in stark, direct contradiction to the objective regulatory record. A corporate narrative built on certified facts cannot be reconciled with OSHA's formal designation of Union Pacific as a "serial violator" of whistleblower protections following widespread safety retaliation, nor can it explain the FRA's unprecedented decision to halt its nationwide Safety Culture Assessment after discovering that the railroad systematically coached employees and compromised federal audit integrity.

CPKC Operational Warnings and Executive Backlash

This posture of corporate rectitude was further undermined when Keith Creel, CEO of Canadian Pacific Kansas City (CPKC), publicly criticized Union Pacific's operational record, raising explicit warnings regarding the carrier's history of network disruptions and service instability. Rather than addressing these substantive operational concerns with measured analysis, CEO Jim Vena responded with an emotional, defensive reaction characterized by backhanded personal comments. This sharp contrast between Creel's warnings about broader rail network fragility and Vena's dismissive, retaliatory posture highlights an executive leadership style that prioritizes defensive corporate ego over transparent operational accountability.

V. SENIORITY DOVETAILING AND MERGER REALITIES

Management claims this merger will be "good for employees." That is a complete lie. The operational reality of merging major railroads with unionized workforces is that seniority rosters will inevitably dovetail. Once rosters combine, no single employee is safe. Higher-seniority workers whose jobs are abolished or relocated across state lines have the right to bump down the line, displacing others. In modern railroading, there is no such thing as a "guaranteed lifelong job" once management begins shuffling rosters. We saw this exact playbook following the 1995 acquisition and merger of the Chicago & North Western (C&NW), and it was institutionalized in 2019 through Precision Scheduled Railroading (PSR) to systematically purge senior, top-earning legacy employees off the balance sheet.

CONCLUSION: A DECISION THAT CANNOT BE UNDONE — PETITION TO REJECT AND TERMINATE DOCKET NO. FD 36873 WITH PREJUDICE

If this Board grants massive, centralized power over our nation's rail infrastructure to a carrier whose executive suite models arrogance, psychological control, and zero humility, you will be validating a corporate culture that threatens both public safety and the national supply chain. Once this Board makes the decision to approve a mega-merger of this magnitude, it cannot be taken back. You cannot undo the damage to our supply chains, our rail yards, or our communities once that power is granted. The American public, rail-served communities, local economies, and working families are depending on this Board to stand as a wall of protection for the United States of America.

The silence of the working men and women on the rail yard floor is not approval—it is a mandatory mechanism of survival.

Therefore, I respectfully request that the Surface Transportation Board formally REJECT AND TERMINATE STB Docket No. FD 36873 with prejudice, to protect public safety, restore market integrity, and shield front-line workers and rail-served communities from irreversible harm.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2026, a true and correct copy of the foregoing Public Comment of a pro se Party of Record was filed electronically through the Surface Transportation Board's Electronic Filing System and served via electronic mail and U.S. Mail to all designated parties of record in Docket No. FD 36873.

Respectfully submitted,

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